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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,439	11/13/2003	J. Conrad Vogel	5658-979	8715

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EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,439

Applicant(s)

VOGEL, J. CONRAD

Examiner

Omar Flores-Sánchez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-8,11-13,15-29,33 and 35-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-8,11-13,15-29,33 and 35-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's amendment received on 06/14/06.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 10, 11, 35-37 and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3, 10 and 35 depend from a cancelled claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-6, 8, 11-25 and 30-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorensen et al. (5,197,194) in view of P. McCaw (2,082,502) and H. F. Miller (1,507,614).

Sorensen et al. discloses the invention substantially as claimed including:

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- Regarding claims 1, 4, 15, 17-19, 22 and 33-38; first and second cooperating members 12 and 14, a jaw section 20 and 22, a handle 16 and 18, first and second blades comprising cutting edges 58 and 62; third and forth edges (see Fig.2) and the first blade removably mounted at least partially using a pivot having apertures 24-25, pockets 32, flanges 36.
- Regarding claim 3; flanges 36.
- Regarding claim 11; a hand-operated tool.
- Regarding claims 12 and 25; at least two finger loops (see Fig. 3A, the loops formed between the lines 60 and 68; and the lines 64 and 66).
- Regarding claim 13; the jaw sections are set at angle to the handle sections (see Fig. 5).
- Regarding claims 16 and 20; a bolt 25, a hexagonal nut 26 and an aperture (see Fig.2).
- Regarding claim 31; a manually actuated tool (see Fig. 1).
- Regarding claims 30 and 32; removable blades comprising two edges 160' and 162' counterposed.

Regarding claims 1, 17, 30, 32 and 33, Sorensen et al. doesn't show the first cutting edge counterposed to the second cutting edge across a longitudinal axis of the blade. However, P. McCaw teaches the use of a first cutting edge 15 counterposed to a second cutting edge 15 across a longitudinal axis of a blade 14 for the purpose of making the scissors more economical. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Sorensen's blade by providing the first cutting edge counterposed to the second cutting edge across a longitudinal axis of the blade as taught by P. McCaw in order to obtain a device that makes the scissors more economical. Also, regarding claims 5, 14 and 21, P. McCaw teaches a tang forming the base of said first blade, the tang being closely received in a

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pocket in said first cooperating member (see Fig. 4).

Regarding claims 1 and 22, Sorensen et al. does not show tabs. However, P. McCaw teaches the use of tabs 16 for the purpose of preventing the tang from slipping out in a direction transverse to the longitudinal direction of the groove. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Sorensen's tangs by providing the tabs as taught by P. McCaw in order to prevent the tangs from slipping out in a direction transverse to the longitudinal direction of the groove.

Regarding claims 1, 23 and 24, Sorensen et al. does not show the two tang apertures, Miller teaches the use of tang apertures 18 for the purpose of aligning the reversible cutting edges. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Sorensen's tang by providing the tang apertures as taught by Miller in order to obtain a device that better aligns the reversible cutting edges.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sorensen et al. (5,197,194) in view of P. McCaw (2,082,502) and H. F. Miller (1,507,614) as applied to claims 1, 2, 4-5 and 6 above, and further in view of Huang (6,598,300 B2).

The modified device of Sorensen et al. discloses the invention substantially as claimed except for an outward-facing hexagonal recess. However, Huang teaches the use of an outward-facing hexagonal recess for the purpose of preventing the pivot and the nut from becoming loosened. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Sorensen's tang by providing the outward-facing hexagonal recess as taught by Huang in order to prevent the pivot and the nut from becoming

loosened.

7. Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorensen et al. (5,197,194) in view of P. McCaw (2,082,502) and H. F. Miller (1,507,614).

Sorensen et al. discloses the method of modifying a cutting tool comprising the step of: providing a pivotal member with first and second cooperating members 12 and 14; separating the cooperating members (see Fig. 1-2A); reconnecting the cooperating members (see Fig. 1); and retaining the first blade in the cooperating member using a pivot (Fig. 1 and 2). Sorensen et al. doesn't show rotating the first blade 180 degrees around a longitudinal axis, and a first cutting edge counterposed to a second cutting edge across the longitudinal axis of the blade. However, P. McCaw teaches the use of a first cutting edge 15 counterposed to a second cutting edge 15 across a longitudinal axis of a blade 14 and rotating the first blade 180 degrees around a longitudinal axis (see Fig. 2 and 4) for the purpose of making the scissors more economical. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Sorensen's blade by providing the first cutting edge counterposed to the second cutting edge across the longitudinal axis of the blade and rotating the first blade 180 degrees around the longitudinal axis as taught by P. McCaw in order to obtain a device that makes the scissors more economical.

Sorensen et al. does not show tabs. However, P. McCaw teaches the use of tabs 16 for the purpose of preventing the tang from slipping out in a direction transverse to the longitudinal direction of the groove. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Sorensen's tangs by providing the tabs as taught

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by P. McCaw in order to prevents the tangs from slipping out in a direction transverse to the longitudinal direction of the groove.

Also, Sorensen et al. does not the two tang apertures, Miller teaches the use of tang apertures 18 for the purpose of aligning the reversible cutting edges. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Sorensen's tang by providing the tang apertures as taught by Miller in order to obtain a device that better aligns the reversible cutting edges.

Response to Arguments

8. Applicant's arguments have been fully considered but they are not persuasive. Applicant argues that McCaw uses an additional fastener 19 which is not disclosed in the claims and not necessary for Sorensen's prior art. However, McCaw was cited in reference to the configuration of the blade, tab and tang, instead of the additional fastener. Sorensen shows the use of a pivot connection 25 for attaching the blade, which is simple modification for the McCaw's blade. Furthermore, Miller shows how easy is the modification.

In response to applicant's argument that Miller includes additional structure not required by applicant invention, it must noted that Miller discloses the invention as claimed. The fact that it discloses additional structure not claimed is irrelevant.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ofs
8/10/06



BOYER D. ASHLEY
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